

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:) Case No. 20-20646-GLT
)
Kimberly A. Cline,) Chapter 13
Debtor,)
) Related to Claim No. 1
Kimberly A. Cline,)
Movant,) Document No.
)
vs.) Hearing Date: 05/05/21 1:00 p.m.
)
MTGLQ Investors, L.P.,) Response Due: 03/30/21
Respondent.)
)

OBJECTION TO CLAIM NUMBER 1

Comes the Debtor, Kimberly A. Cline, by and through her attorney, Francis E. Corbett, and presents the following:

1. The Debtor filed this voluntary petition under Chapter 13 of the Bankruptcy Code on February 25, 2020.
2. The Respondent filed a Proof of Claim for the Debtor's mortgage on May 5, 2020 at claim number 1.
3. After serious health problems arose in early 2014, the Debtor's husband James Cline died on April 7, 2014.
4. Because of the loss of his income and the bills that arose as a result of his illness, the Debtor filed a Chapter 7 bankruptcy at Case No. 14-21032-GLT.
5. Those financial issues also lead to difficulties in paying the mortgage, so the Debtor applied for a loan modification.

6. On or about February 11, 2015, the Debtor was granted a “proposed modification” of their mortgage from CitiMortgage, the original mortgagee.

7. The condition of the loan modification was the making of payments in the amount of \$941.69 for a three-month period starting in June 2015.

8. The Debtor subsequently made the trial period payments for a seven-month period.

9. Despite the payment history of the Clines, a foreclosure action was initiated in early 2016 by the Federal National Mortgage Association (“Fannie Mae”).

10. Subsequently, on or about May 27, 2016, the new loan servicer Seterus offered another loan modification to the Debtor.

11. Despite that offer and the successful completion of the trial modification period, the Respondent continued to pursue the action in foreclosure until the filing of this Chapter 13 case.

12. The Respondent and its predecessors have also continued to increase the loan balance from the original loan amount of \$154,800 on March 9, 2009 to \$184,884 in the proof of claim.

13. The Debtor seeks a full accounting of the loan balance asserted.

14. The Debtor also seeks enforcement of the approved loan modification in light of her successful completion of the original trial period and good faith efforts to comply with those terms when allowed by the loan servicers.

15. Prior to the filing of this bankruptcy case there was a mortgage foreclosure action pending in the Court of Common Pleas of Washington County. There has been no judgment entered in that action.

Wherefore, Debtor requests that the Court enter an order to enforce the terms of the approved loan modification and require a full accounting of the mortgage balance and charges.

Respectfully submitted,

DATED: 05/09/21

/s/ Francis E. Corbett

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